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10/822,905

04/13/2004

Ray Asbery

3575

35236

7590

04/24/2006

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EXAMINER

NGUYEN, MATTHEW VAN

ART UNIT

PAPER NUMBER

2838

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,905

Applicant(s)

ASBERY, RAY

Examiner

MATTHEW V. NGUYEN

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The disclosure should be carefully reviewed and ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 3, 5-10, 12-17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by vonBrethorst (U.S. Pat. No. 6,560,131).

With regard to claims 1- 3, 5-10, 12-17 and 19, vonBrethorst (i.e, Figs. 1, 3) shows an apparatus and method comprising a housing (12) having a carrying feature (hollow in wall 18 adjacent to wall 16, Fig. 1), a battery (132, Fig. 3) mounted within the housing (12) and being charged by a standard 12 V power system, an inverter circuit (140, Fig. 3) for inverting an output of the battery (132) to produce a modeler's AC power output (82, Fig. 3), a modeler's power panel (all elements on wall 26, Fig. 1) connected to the housing (12) for receiving power from the battery (132), which includes a DC output (160, Fig. 3) for powering a modeler's accessory, a battery charging control circuit (102, Fig. 3) connected to the battery (132) for charging the battery, a source battery monitoring device (114, Fig. 3) connected to the charging control circuit (102) for discontinuing a charging operation charging the battery (132) when the DC power

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source reaches a predetermined discharge level, a master switch (100, Fig. 3) connected to the modeler's power panel for selectively disabling the modeler's power panel from receiving power from the battery (132), an inverter switch (134, Fig. 3) connected to the inverter circuit (140) for selectively disabling the inverter circuit (col. 2, line 6 – col. 4, line 31).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over vonBrethorst.

With regard to claims 4, 11 and 18, vonBrethorst shows an apparatus and method comprising all the claimed subject matter as discussed in subparagraph 2 above, except for the modeler's power panel including a pump output, a glow plug output and a starter output (in fact, vonBrethorst shows a general output 82 in Fig. 3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the pump output, the glow plug output and the starter output instead of the general output 82 in vonBrethorst, since the selection of any of these known outputs would be within the level of ordinary skill in the art.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nilssen (U.S. Pat. No. 5,146,149), Jenkins, Jr. (U.S. pat. No. 6,493,217) and Krieger et al. (U.S. Pat. No. 6,799,993) also discloses mobile power supply apparatuses each of which comprises substantial elements as recited in the claims of the instant application.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew V. Nguyen whose telephone number is (571) 272-2081.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2800.

Matthew V. Nguyen
MATTHEW V. NGUYEN
PRIMARY EXAMINER